

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13364 of Samuel R. Richardson, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from an apartment house of four units to a flat, first and second floors, in an R-2 District at the premises 4632 Hillside Rd., S.E., (Square 5362, Lot 72).

HEARING DATE: October 22, 1980
DECISION DATE: November 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of Hillside Road between Benning Road and 46th Street and is known as premises 4632 Hillside Road, S.E. It is in an R-2 District.
2. The site is rectangular in shape. It measures thirty one feet in width and 115 feet in depth. The site is improved with a two story apartment house which originally contained four units. Sometime in 1970 the previous owner converted the apartment house to a flat.
3. A Certificate of Occupancy was issued on November 30, 1964 for the use of the subject property as an apartment house of four units, first and second floors.
4. The applicant purchased the property in 1977. It then consisted of two units. Four units had been converted into two. No Certificate of Occupancy had issued for the use of the property as a flat. The applicant plans to rent the two three bedrooms, two baths apartments. Rather than board up the property the applicant proceeded to complete the conversion.
5. The subject site is surrounded by similar apartment houses of four units. Interspersed among the apartment buildings is a flat or two.
6. Both an apartment house and a flat are first permitted in an R-4 District.
7. There was no opposition to the application at the Public Hearing or of record.
8. Advisory Neighborhood Commission 7E made no recommendation on the application.

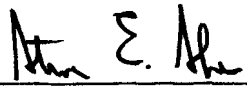
CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant has complied with Sub-section 7104.2 of the Zoning Regulations. Both non-conforming uses are first permitted in an R-4 District. The proposed use is less intense than an apartment house use. The non-conforming use of a flat will not affect adversely the present character or future development of the neighborhood. The Board does not condone the conversion of apartment houses to flats without the proper permits being issued. The Board does not find that the applicant operated in bad faith, only ignorance. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune,
Douglas J. Patton and William F. McIntosh to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 11 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.